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October 24, 2008

**VIA ECF**

Honorable Peter G. Sheridan  
United States District Court Judge  
District of New Jersey  
Martin Luther King Building and Federal Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

Re: Novak v. Home Depot U.S.A., Inc.  
Civil Action No.: 06-cv-4841

Dear Judge Sheridan:

*(01/28/08)  
No Order  
Peter M. Swain at  
Hearing 11/20/08 at  
10:00 A.M.*

I am counsel for plaintiff and the proposed class of New Jersey Home Depot MASM employees. I am writing to request an adjournment of the October 29, 2008 hearing date for the oral argument of the class certification.

On October 29, 2008, I must defend an expert deposition in a class action in which I am lead counsel. The depositions must be completed within a Court imposed deadline. Hence, I am not available for oral argument and cannot make arrangements to substitute counsel for me in either that case or this one.

I have conferred with counsel for an adjournment, they are prepared to adjourn the argument but the only date on which the parties can agree is November 20, 2008. If November 20, 2008 is not convenient for the Court, please consider that Judge Swain in the Southern District of New York has scheduled a trial of one of my class action cases for November 5, 6, 10, 12, 13, 17, 18 and 19. The case is not expected to settle and I am lead trial counsel.

Delores advised me to make the request in writing and informed me that the Court may not be able to honor the parties' agreed date.

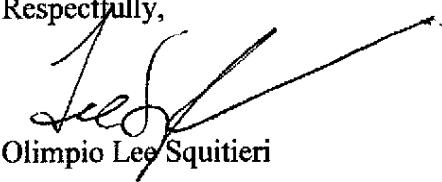
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Thank you.

Respectfully,



Olimpio Lee Squitieri

LS:mm

**VIA E-MAIL**

cc: All Counsel Of Record